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February 5, 2002

VIA FACSIMILE

Brian Nishitani, Esquire
Associate Regional Counsel
United States Environmental Protection Agency – Region III
1650 Arch Street
Philadelphia, PA 19103

Re: Darby Creek Superfund Site
104(e) Response For The Budd Company

Dear Brian:

I write to apologize for not having The Budd Company's Section 104(e) response in the Darby Creek matter in your hands by this date. As you know, Jennifer Berke, who was managing this process and who had the greatest familiarity with the facts underlying the Company's response, left to join the legal staff at Rohm & Haas at the end of December. Although she had hoped (and planned) to have the Company's response completed or substantially completed by that date, her transitional responsibilities at Budd and Rohm & Haas apparently overtook her and we found ourselves farther behind than anticipated. By way of example only, we are trying to develop responses from former employee interviews Jennifer undertook prior to her departure. Perhaps because she anticipated completing the response herself, her interview notes are not as complete as they might otherwise be.

I was retained to assist the Company in completing the response in early January and we have nearly completed our efforts in doing so. At this juncture, the delay may fairly be laid at my doorstep, as the Company has forwarded to me a substantial volume of material from which the response is being developed. Please expect the Company's response by Wednesday of next

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week. I appreciate your continued patience. If you would like to discuss the response before that date, please do not hesitate to call me.

Very truly yours,


Timothy J. Bergère

cc: Richard O. Lemke, Esquire [Via Facsimile]